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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EMERGENCY RULES

Elected Officials	
Secretary of State	1933

PROPOSED RULES

Department of Conservation	
Conservation Commission	1937
Department of Elementary and Secondary Education	
Division of Administrative and Financial Services	1937
Vocational and Adult Education	1941
Teacher Quality and Urban Education	1950
Department of Mental Health	
Director, Department of Mental Health	1951
Fiscal Management	1951
Certification Standards	1952
Department of Public Safety	
Division of Fire Safety	1952
Department of Revenue	
Director of Revenue	1964
Elected Officials	
Secretary of State	1965
Department of Health and Senior Services	
Office of the Director	1976
Department of Insurance	
Division of Consumer Affairs	1988
Life, Annuities and Health	1989
Statistical Reporting	1996

ORDERS OF RULEMAKING

Department of Conservation	
Conservation Commission	1997
Department of Elementary and Secondary Education	
Vocational and Adult Education	1999
Department of Labor and Industrial Relations	
Division of Employment Security	2001
Department of Natural Resources	
Air Conservation Commission	2001
Department of Public Safety	
Missouri Gaming Commission	2016

IN ADDITIONS

Department of Elementary and Secondary Education	
Teacher Quality and Urban Education	2017
Department of Health and Senior Services	
Missouri Health Facilities Review Committee	2020

DISSOLUTIONS	2021
---------------------	------

BID OPENINGS

Office of Administration	
Division of Purchasing	2022

RULE CHANGES SINCE UPDATE	2023
EMERGENCY RULES IN EFFECT	2034
REGISTER INDEX	2036

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2002	September 3, 2002	September 30, 2002	October 30, 2002
August 15, 2002	September 16, 2002	September 30, 2002	October 30, 2002
August 30, 2002	October 1, 2002	October 31, 2002	November 30, 2002
September 16, 2002	October 15, 2002	October 31, 2002	November 30, 2002
October 1, 2002	November 1, 2002	November 30, 2002	December 30, 2002
October 15, 2002	November 15, 2002	November 30, 2002	December 30, 2002
November 1, 2002	December 2, 2002	December 31, 2002	January 30, 2003
November 15, 2002	December 16, 2002	December 31, 2002	January 30, 2003
December 2, 2002	January 2, 2003	January 29, 2003	February 28, 2003
December 16, 2002	January 16, 2003	January 29, 2003	February 28, 2003
January 2, 2003	February 3, 2003	February 28, 2003	March 30, 2003
January 16, 2003	February 18, 2003	February 28, 2003	March 30, 2003
February 3, 2003	March 3, 2003	March 31, 2003	April 30, 2003
February 18, 2003	March 17, 2003	March 31, 2003	April 30, 2003
March 3, 2003	April 1, 2003	April 30, 2003	May 30, 2003
March 17, 2003	April 15, 2003	April 30, 2003	May 30, 2003
April 1, 2003	May 1, 2003	May 31, 2003	June 30, 2003
April 15, 2003	May 15, 2003	May 31, 2003	June 30, 2003
May 1, 2003	June 2, 2003	June 30, 2003	July 30, 2003
May 15, 2003	June 16, 2003	June 30, 2003	July 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292	
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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

acceptable voter identification upon the completion of an approved affidavit in substantially the following form as included herein:

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 3—Voter Identification**

EMERGENCY RULE

15 CSR 30-3.010 Voter Identification Affidavit

PURPOSE: This rule sets out the identification requirements a potential voter must reach before being allowed to vote.

*EMERGENCY STATEMENT: This emergency rule informs election authorities of the identification requirements potential voters must provide in order to be allowed to vote. This emergency rule is necessary in order to ensure that these procedures are in effect by the November 5, 2002 General Election thereby protecting the public welfare. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and the *United States Constitutions*. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed October 11, 2002, effective October 21, 2002, expires April 18, 2003.*

(1) In addition to the list of acceptable forms of personal identification accepted as proof of identity in order to vote, found in section 115.427.1(6), RSMo, personal knowledge of the voter by two (2) supervisory judges, one (1) from each major political party, shall be

VOTER'S IDENTIFICATION AFFIDAVIT

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

Print name of voter

Signature of voter

STATEMENT OF SUPERVISORY JUDGES

Now comes before us _____ who does not have a proper form of identification as required under section 115.427.1, RSMo. We the undersigned hereby certify that we have personal knowledge of the voter.

Supervisory Judge Signature (Republican)

Date

Supervisory Judge Signature (Democrat)

Date

AUTHORITY: section 115.427, RSMo Supp. 2002. Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, expires April 18, 2003.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the secretary of state under section 115.430, RSMo Supp. 2002, the secretary hereby terminates an emergency rule effective October 25, 2002, as follows:

15 CSR 30-8.010 Provisional Ballots and Envelopes **is terminated.**

The emergency rulemaking containing the text of the emergency rule was filed October 11, 2002, and became effective October 21, 2002.

NOTICE

The original emergency rule which was filed on October 11, 2002, is not being published in the *Missouri Register*. The foregoing emergency termination relates to the original filing. Interested persons may view the contents of the original emergency rule filed on October 11, 2002 at the Office of Secretary of State Matt Blunt, Administrative Rules Division, Room 337, 600 W Main St, Jefferson City, MO 65101.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures**

EMERGENCY RULE

15 CSR 30-8.010 Provisional Ballots and Envelopes

PURPOSE: This rule ensures the uniform application of section 115.430, RSMo.

EMERGENCY STATEMENT: This emergency rule informs election authorities of uniform procedures to follow in regards to provisional voting. Recent changes in the statutes now require Missouri election authorities to offer voters, whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority, a chance to cast a provisional ballot. The new provisional voting statute, section 115.430, RSMo Supp. 2002, provides that the secretary of state may promulgate rules to ensure the uniform application of the statute throughout the state of Missouri. Senate Bill 675, which contained the new provisional voting statute, became effective August 28, 2002, sixty-nine (69) days before the November 5, 2002, General Election. Normal rulemaking would not allow time to promulgate a rule by that date. This emergency rule is necessary in order to ensure that these procedures are in effect by the November 5, 2002 General Election thereby preserving a compelling governmental interest and protecting the public welfare. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and the United States Constitutions. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed October 25, 2002, effective November 4, 2002, expires April 18, 2003.

(1) The following steps will be taken to determine whether a person may vote a provisional ballot:

(A) The election judge shall examine the precinct register. If the voter's eligibility cannot be immediately established, then—

(B) The election judge shall contact the election authority. If the election authority cannot immediately establish the voter's eligibility upon examination of its records on file, or if the election judge is unable to make contact with the election authority immediately, then the voter will be entitled to a provisional ballot.

(C) In the case of a voter requesting an absentee ballot, such voter shall be entitled to a provisional ballot when the voter's qualifications cannot be immediately established upon examination of the records on file with the election authority.

(2) No person shall be entitled to receive a provisional ballot until they have completed a provisional ballot affidavit on the provisional ballot envelope. The secretary of state shall produce two (2) sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. One size, three and five-eighths inches by seven and three-fourths inches ($3 \frac{5}{8}'' \times 7 \frac{3}{4}''$) shall be distributed to jurisdictions using punch card and manual tabulating systems and a second size, fourteen and one-half inches by nine and one-fourth inches ($14 \frac{1}{2}'' \times 9 \frac{1}{4}''$) shall be distributed to jurisdictions using optical scan. All provisional envelopes shall be printed on a distinguishable color of paper.

(A) On each side of the outside of the provisional envelopes, produced by the secretary of state, there shall appear information in substantially the format available at the secretary of state's website. A copy of the form may be requested in writing from the Elections Division, PO Box 1767, Jefferson City, MO 65102 or in person at the Elections Division, 600 W. Main, State Information Center, Jefferson City, Missouri.

(3) After the provisional ballot is voted, it shall be placed in the provisional ballot envelope and sealed. The sealed envelope shall be placed in the ballot box.

(4) The certificate of ballot cards shall:

(A) Reflect the number of provisional envelopes delivered; and

(B) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

(5) Upon the election authority's determination of the eligibility of the voter, each rejected provisional envelope shall be marked "rejected" with reason for rejection noted. If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.

(6) Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. All provisional ballots cast by voters, whose eligibility has been verified, shall be counted in accordance with the rules governing ballot tabulation.

(7) If a provisional ballot is cast in the wrong congressional district, the incorrect congressional vote shall not be counted but all other votes cast on that ballot shall be counted.

AUTHORITY: section 115.430, RSMo Supp. 2002. Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, terminated Oct. 25, 2002. Emergency rule filed Oct. 25, 2002, effective Nov. 4, 2002, expires April 18, 2003.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures**

EMERGENCY RULE

15 CSR 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted

PURPOSE: This rule sets out the procedures for provisional voting in addition to those found in Chapter 115, RSMo.

EMERGENCY STATEMENT: This emergency rule informs election authorities of the procedures to follow in determining whether a provisional ballot is eligible to be counted, and the procedures for counting and tabulation. Recent changes in the statutes now require Missouri election authorities to offer voters, whose eligibility cannot be immediately determined, a chance to cast a provisional ballot. The new provisional voting statute, section 115.430, RSMo Supp. 2002, requires the secretary of state to promulgate rules to ensure uniform application throughout the state of Missouri for the method by which election authorities shall determine whether any provisional ballot cast is eligible to be counted, and the method by which provisional ballots are counted and tabulated. This emergency rule is necessary in order to ensure that these uniform procedures are in effect by the November 5, 2002 General Election thereby protecting the public welfare. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and the United States Constitutions. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed October 21, 2002, effective October 31, 2002, expires April 28, 2003.

(1) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person pursuant to section 115.427, RSMo.

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one (1) member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed, by the team, in a sealed container and shall remain therein until tabulation.

(3) Prior to any provisional ballots being counted, the election authority shall determine the eligibility of the provisional voter. The eligibility of provisional voters shall be determined according to the requirements for a voter to cast a ballot in the election as set out in sections 115.133 and 115.135, RSMo.

(4) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is duly registered and qualified to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is duly registered and qualified to vote in the election.

(5) If the election authority determines that the provisional voter is registered and qualified to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(A) Name of provisional voter;

(B) Name of reviewer;

(C) Date and time; and

(D) Description of evidence found that supports the voter's eligibility.

(6) If the election authority determines that the provisional voter is not registered and/or qualified to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (A) Name of the provisional voter;
- (B) Name of reviewer;
- (C) Date and time; and
- (D) Description of why voter is ineligible.

(7) After the election authority completes its review of the provisional voter's eligibility pursuant to sections (4), (5), and (6), of this rule, the election authority shall deliver the provisional ballots, and copies of the provisional ballot envelopes which include the eligibility information, to bipartisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two (2) judges, one (1) from each major political party. The election authority shall provide each team with a ballot box, and material necessary for tabulation.

(8) Challengers and watchers, as provided by sections 115.105 and 115.107, RSMo may be present during all times that the bipartisan counting teams are reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority. The election authority shall notify the county chair of each major political party of the time and location when the bipartisan counting teams will be reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.

(9) If the person named on the provisional ballot affidavit is found to have been duly qualified and registered to cast a ballot in the election, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(10) If the person named on the provisional ballot affidavit is found to have not been duly qualified and registered to cast a ballot in the election, or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall then follow the procedures set out in 15 CSR 30-8.010(5) for rejected provisional ballots.

(11) The vote shall then be tallied and the returns made as provided in sections 115.447 to 115.525, RSMo for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "voted provisional ballots and ballot envelopes from the election held . . . , 20" All rejected provisional ballots, ballot envelopes and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "rejected provisional ballots and ballot envelopes from the election held . . . , 20" On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional vote.

AUTHORITY: section 115.430, RSMo Supp. 2002. Emergency rule filed Oct. 21, 2002, effective Oct. 31, 2002, expires April 28, 2003.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 9—Uniform Counting Standards**

EMERGENCY RULE

15 CSR 30-9.040 Write-In Stickers

PURPOSE: This rule sets out the procedures for the process of using stickers to vote for write-in candidates.

EMERGENCY STATEMENT: This emergency rule informs election authorities of the procedures to follow in regards to using write-in stickers. Changes in statute now allow Missouri election authorities to authorize the use of stickers in lieu of handwritten names for write-in voting. This emergency rule is necessary in order to ensure that these procedures are in effect by the November 5, 2002 General Election thereby protecting the public welfare. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and the United States Constitutions. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed October 11, 2002, effective October 21, 2002, expires April 18, 2003.

(1) The sticker shall contain the name of a candidate, office sought, and a distinguishing mark in the square immediately preceding the name of the candidate and shall be approximately one inch by three inches (1" × 3") in size with black print on a white background.

(2) The sticker shall be placed by the voter on the write-in line designating the office sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

AUTHORITY: section 115.439, RSMo Supp. 2002. Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, expires April 18, 2003.